

## **II. Amendments to the Drawings**

Replacement drawings sheets 1-3 (FIGS. 1-2) are submitted herewith to present formal drawings. New drawing sheets 4 (FIGS. 4A and 4B) and 5 (FIG. 5) are submitted herewith.

**V. Remarks**

**A. Drawing Objections**

The Action objects to the drawings for failing to show the retention latch or barb of claim 4. New figures 3A and 3B have been added to show these features, along with corresponding amendments to Paragraphs 10 and 16 of the specification. Support for these amendments can be found at, for example, the claims as originally filed and Paragraph 16.

The Action also objects to the drawings for failing to show the decorative molding of Claim 12. New figure 4 has been added to show this feature, along with a corresponding amendment to Paragraph 17 of the specification. Support for these amendments can be found at, for example, the claims as originally filed and Paragraphs 3 and 17 of the specification.

**B. Allowable Subject Matter**

Applicants are grateful to the Examiner for allowing Claims 16-21.

**C. Claim Amendments**

Claims 1 and 8 are amended as described below. Claims 4, 11 and 14 have been amended to correct their dependency consistent with the amendments to Claims 1 and 8.

**D. Rejection under 35 U.S.C. §112**

The Action rejects Claims 6 and 14 under §112, ¶2 as being indefinite, stating that “[i]t is unclear what length is encompassed by ‘about.’” Reconsideration and withdrawal of this rejection are respectfully requested in view of the following arguments.

There is nothing inherently wrong with using relative terminology and its use is a “standard tool[] in claim drafting.” MPEP 2173.05(b) The MPEP provides that the acceptability of the claim language depends on whether one of ordinary skill in the art would understand what is claimed, in light of the specification. Id.

Paragraph 12 of the Specification explains that “where the cladding element 10 fits snugly around a post element, an opening formed by the seam closure 14 when the cladding element 10 is flexed is at least about the length of the smallest interior dimension of the post cladding element when the continuous seam closure is fully closed, i.e., in its secured, installed position around the post.” In other words, in order to facilitate placement of the cladding element around the post, the opening must of a width at least close to the length of the smallest interior dimension of the post cladding element with closed.

From this guidance, it is respectfully submitted that one of ordinary skill would understand what “about the length . . .” recited in Claims 6 and 14 means, particularly in light of the specification. Accordingly, it is submitted that Claims 6 and 14 are sufficiently definite in compliance with §112, ¶2.

**E. Rejection under 35 U.S.C. §102**

The Action rejects Claims 1, 2, 3, 6 and 7 as being anticipated by U.S. Des. Patent No. 300,566 to Fein.

Claim 1 has been amended to include the features of now canceled Claims 2 and 3, namely that: (a) wherein said seam closure includes a female connector and a male connector disposed to mate with each other, said method further comprising the step of mating said female and male connectors after said flexing step to mate said opposing longitudinal edges, (b) wherein an outer surface of said flexible body includes an ornamental configuration, and (c) wherein said male and female connectors cooperate to camouflage or hide said seam closure into said ornamental configuration.

In rejecting canceled Claims 2 and 3, the Examiner relied on Figures 13, 14 and 16 of Fein. First, it is submitted that Fein does not teach a male/female connectors. It is submitted that a male connector is generally understood as a connector with one or more pins, plugs or other protrusions that is designed to fit into a female connector with one or more corresponding holes or receptacles for receiving the male connector. FIG. 14 shows the connection between the

longitudinal edges of the wall track extrusion of Fein. The connection of Fein's edges appears to be a latching connection rather than a male female-connection where a male end is inserted into a receiving female section.

Second, Fein's wall track extrusion does not have an outer surface including an ornamental configuration wherein the male and female connectors cooperate to camouflage or hide the seam closure into the ornamental configuration. This claimed feature is best seen in FIG. 2 of the present application, where the raised corners of the post cladding element provide an ornamental appearance and the seam closure is hidden within the ornamental appearance. In contrast, FIG. 14-16 of Fein shows that the wall track extrusion of Fein has no ornamental appearance. Rather, the exterior walls of the enclosure appear to be perfectly planar. More importantly, as best seen in FIGS. 14, 16 and 18, the seam formed at the connection of adjacent walls is clearly visible, and even conspicuous. Put another way, the seams formed between the mating hooks of Fein forms a clear gap at a corner of the enclosure which stands out and is in no way part of an ornamental configuration shared by the remainder of the outer surface of the enclosure.

For at least the foregoing reasons, it is submitted that amended independent Claim 1 is not anticipated by Fein and is allowable. Claims 4-7 depend from Claim 1 and are, therefore, also allowable for at least the reasons set forth above in connection with Claim 1.

#### **F. Claim Rejection Under §103**

The Action rejects Claims 4 and 5 as being obvious from Fein in view of U.S. Patent No. 5,480,126 to Teasdale. Claims 4 and 5 depend from Claim 1 are allowable for at least the reasons set forth above in connection with Claim 1.

The Action rejects Claims 8, 9, 10, 14, and 15 as being obvious from Teasdale in view of Fein. The Action rejects Claims 11-13 as being obvious from Teasdale, in view of Fein in further view of U.S. Patent No. 5,956,920 to Davis.

Claim 8 has been amended consistent with the amendments to Claim 1 above. It is submitted, therefore, that Claim 8 and Claims 9-15, which depend from Claim 8, are allowable for at least the reasons set forth above in connection with Claim 1.

**G. New Claims**

New Claims 22-24 have been added.

Claims 22 and 23 depend from Claims 1 and 8, respectively, and recite features specific to the male-female connectors. Support for these claims can be found in, for example, FIGS. 1A-1C.

Claim 24 is directed to a cladded assembly including a vertically oriented post member and a post cladding element as recited in Claim 1.

Examination and allowable of these claims are respectfully requested.

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**VI. Conclusion**

In view of the foregoing remarks and amendments, Applicants submit that this application is in condition for allowance at an early date, which action is earnestly solicited.

The Commissioner for Patents is hereby authorized to charge any additional fees or credit any excess payment that may be associated with this communication to deposit account 04-1679.

Respectfully submitted,

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